

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT M. STEWARD,  
Petitioner,

v.

CLARK DUCART,  
Respondent.

Case No. [17-cv-02747-JCS](#) (PR)

**ORDER OF DISMISSAL**

Dkt. No. 4

Petitioner has not complied with the Court's order to (1) perfect his application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$5.00. His IFP application is incomplete because it does not contain a properly completed and signed Certificate of Funds. Nor does it contain a prison trust account statement that shows the transactions for the last six months. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b).<sup>1</sup>

Because this dismissal is without prejudice, petitioner may move to reopen the action. Any such motion **must** contain the two documents noted above, **or** full payment for the filing fee of \$5.00.

Petitioner's IFP application (Dkt. No. 4) is DENIED as insufficient.

The Clerk shall terminate Dkt. No. 4, enter judgment in favor of respondent, and

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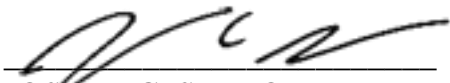
<sup>1</sup> Petitioner consented to magistrate judge jurisdiction. (Dkt. No. 5.) The magistrate judge, then, has jurisdiction to decide this motion, even though respondent has not been served or consented to magistrate judge jurisdiction. *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995)

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close the file.

**IT IS SO ORDERED.**

**Dated:** June 29, 2017

  
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JOSEPH C. SPERO  
Chief Magistrate Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT M. STEWARD,  
Plaintiff,

v.

CLARK DUCART,  
Defendant.

Case No. [17-cv-02747-JCS](#)

**CERTIFICATE OF SERVICE**

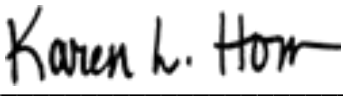
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 29, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Robert M. Steward ID: ID: AX9179  
Pelican Bay State Prison  
P.O. Box 7500  
Crescent City, CA 95532

Dated: June 29, 2017

Susan Y. Soong  
Clerk, United States District Court

By:   
Karen Hom, Deputy Clerk to the  
Honorable JOSEPH C. SPERO